

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE JURISIDICIION

CONTEMPT PETITION NO. 216 OF 2003

IN

SECOND APPEAL NO. 666 OF 1992

Mrs.Ratnamala Dattatraya
Chalke & Ors.

..Petitioners

Vs.

Sujit Rameschandra Jirapure
and Ors.

..Respondents

None for Petitioners

Mr.S.H.Joshi for Respondent nos.1 and 2.

CORAM : B.H.MARLAPALLE, J.

DATE : FEBRUARY 22, 2005

P.C.:

1. This petition was taken up for admission on 11.2.2005 and was adjourned for one week. Yesterday, when it was called out for admission, none appeared for the petitioner though the notice before admission was issued by order dated 28.7.2003. Affidavit in reply filed by the said authorities as well as the respondent nos.1 and 2 is on record. The Collector of Thane, in his affidavit has stated that the contempt petition is hit by limitations inasmuch as the consent decree was dated 7.9.1991 and the contempt petition has been moved before this Court on 25.4.2003. He further states that he was not a party

in Second Appeal No. 666 of 1992. In any case, N.A. permission was issued pursuant to the application dated 12.11.2001. The other affidavit explains in detail that there was no wilful disobedience of the order passed by this Court in the Second Appeal. The approach road to the plots could not be completed because the house of the petitioners is standing on CTS No.7. In view of these disputed facts, there is no case made out to take cognizance for the alleged contempt.

2. Contempt Petition is rejected summarily.

[B.H.MARLAPALLE, J.]